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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,137	09/10/2003	Stephen Cook	FGT 1830 PA	2136

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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,137	Applicant(s) COOK, STEPHEN	
	Examiner Laura B. Rosenberg	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6-11,13-16,18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4,6 and 21 is/are allowed.
- 6) ☒ Claim(s) 7-9,11,13-16,18,20 and 22 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 19 September 2005, in which claims 2-4, 6, 13-16, 18, and 20 were amended, claims 1, 5, 12, 17, and 19 were canceled, and claims 21 and 22 were added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13-16, 18, 20, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 recites the limitation "said reset mechanism" in line 7. There is insufficient antecedent basis for this limitation in the claim. It appears the applicant left out a step in the method of claim 22. The examiner recommends inserting "electrically coupling said controller to a reset mechanism" in between lines 6 and 7. This would overcome the lack of antecedent basis and clarify this claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 7, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schondorf et al. (6,640,174) in view of DeLine et al. (6,222,460). Schondorf et al. disclose a fuel cut-off control system for a vehicle comprising:

- Crash sensor (including #16, 18, 20, 22, 72) for detecting a fuel cut-off event and generating a crash signal (signals are input to the controller; column 4)
- Fuel supply system (including #26, 28) coupled to an engine (not shown) and able to deliver fuel to the engine
- Controller (including #12) coupled to the crash sensor and fuel supply system and able to receive the crash signal from the crash sensor, disable the fuel supply system (column 4), and generate a cut-off notification signal (at #54; column 4)
- Indicator mechanism (including #48), which is a message display center (including indicator light), being coupled to the controller and able to display crash-related information to an occupant of the vehicle (including restraint control module activity; column 5, lines 4-8)
- Reset mechanism coupled to the controller, operated by the occupant (by turning the ignition key), and able to transmit a delivery-continuation signal to the controller to resume fuel supply to the engine (column 4, line 64-column 5, line 2; column 5, lines 64-67)
- Crash sensor being an integral part of a supplement restraint system (including #14) having an airbag (column 4)
- Fuel supply system including fuel pump (including #39) coupled to the controller

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In regards to claim 7, Schondorf et al. do not specifically disclose the indicator mechanism receiving the cut-off notification signal and displaying a cut-off notification message to the occupant. However, the manner in which Schondorf et al.'s control system is connected ties the restraint system to the fuel cut-off control system in such a way that and an indicator light/message that the restraint module has been activated would also be an indication that the fuel cut-off system has been activated.

Nonetheless, DeLine et al. teach an indicator mechanism (including #22, 24) for receiving signals from various vehicle systems and displaying various vehicle information, such as supplemental restraint system status, engine coolant temperature, oil pressure, fuel status, battery condition/voltage, cellular phone operation, and so on. It would have been obvious to one skilled in the art at the time that the invention was made to modify the indicator mechanism of Schondorf et al. such that it comprised receiving the cut-off notification signal and displaying a cut-off notification message to the occupant as claimed in view of the teachings of DeLine et al. so as to provide essential information and warnings for easy viewing by a vehicle occupant (DeLine et al.: Summary of Invention; column 11, lines 4-22).

In regards to claim 7, Schondorf et al. do not specifically disclose the location within the vehicle of the indicator mechanism. However, it would have been an obvious matter of design choice to locate the indicator mechanism with an odometer display mechanism since it is old and well known in the art that a vehicle emergency or status indicator, such as airbag functioning, battery levels, engine malfunction, engine temperature, and so on, should be located within easy view of the vehicle occupant.

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schondorf et al. (6,640,174) in view of DeLine et al. (6,222,460), further in view of MacDonald et al. (6,170,332). Schondorf et al. disclose electronically coupling the controller to an electronic circuitry having an accelerometer (including #16, 18, 20, 22) integrated therein. However, Schondorf et al. do not specifically disclose the accelerometer being a micromechanical accelerometer. MacDonald teaches electronic circuitry having a micromechanical accelerometer integrated therein, specifically for automotive applications such as airbag deployment (Abstract). It would have been obvious to one skilled in the art at the time that the invention was made to modify the accelerometer of Schondorf et al. such that it comprised a micromechanical accelerometer as claimed in view of the teachings of MacDonald et al. so as to provide an accelerometer having high sensitivity, extreme accuracy, and resistance to out of plane forces (MacDonald et al.: Abstract).

Allowable Subject Matter

7. Claims 2-4, 6, and 21 are allowed.

8. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 13-16, 18, 20, and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Response to Arguments

10. Applicant's arguments filed 19 September 2005 have been fully considered but they are not persuasive. Claims 7, 8, 9, and 11 are rejected as set forth above, including the motivations for combining the references.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura B. Rosenberg
Laura B Rosenberg
Patent Examiner
Art Unit 3616

LBR

Paul N. Dickson 11/14/05
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